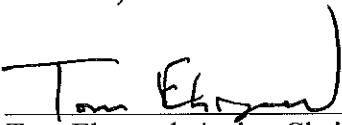


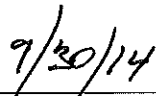
Town of Amherst
Zoning Board of Appeals
SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit, ZBA FY2014-00030, to modify ZBA FY1987-00037 to approve increasing the number of vehicles on the property from three to six, at 106 Gray Street (Map 11D, Parcel 110, R-G Zoning District) with the following conditions:

1. Except for parking, all other conditions of ZBA FY1987-37 shall remain in force.
2. The parking area shall be constructed and as shown on the survey site plan prepared by Harold Eaton Associates, dated June 24, 2014, and approved on June 26, 2014.
 - a. The parking area shall be delineated along the entire west side of the parking area and 18 feet along the north side, as annotated on the approved plan.
 - b. The delineation shall be accomplished by a solid barrier and/or landscape timber.
3. There shall be no more than six cars parked on the property on a regular basis.
 - a. Each parking space shall be delineated by a white painted line on the edge and top of the landscape timber.
 - b. Landscape timber and markings shall be maintained on a seasonal basis or more often if necessary.
4. The owner shall inform the tenants that they may not to back out of the property onto Gray Street.
5. The gravel driveway and parking areas shall be maintained seasonally or more often if needed in order to: a) prevent significant ruts and/or vegetation within the gravel area and, b) to maintain a distinct edge between the gravel and any lawn or landscaped areas.



Tom Ehrgood, Acting Chair
Amherst Zoning Board of Appeals



DATE

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant/Owner: Ping Geng, 782 North East Street, Amherst, MA 01002

Date application filed with the Town Clerk: March 27, 2014

Nature of request: For a Special Permit to modify ZBA FY1987-00037 to formalize a change increasing the number of vehicles on the property from three to six

Address: 106 Gray Street (Map 11D, Parcel 110, R-G Zoning District)

Legal notice: Published on April 15, 2014 and April 22, 2014 in the Daily Hampshire Gazette and sent to abutters on April 14, 2014

Board members: Tom Ehrgood, Eric Beal, Mark Parent

Staff members: Jeff Bagg, Senior Planner

Submissions:

- Application form filed with the Town Clerk on March 27, 2014
- Town GIS map/parking plan, dated March 12, 2014
- Email application narrative, dated March 13, 2014
- Existing conditions photographs (x3)
- ZBA FY1987-37, with approved plans
- Town GIS lot coverage map, dated April 3, 2014
- Town GIS aerials from 2004 and 2009
- Town GIS map based on 1987 plan
- Survey Site Plan, prepared by Harold Eaton Associates, dated June 24, 2014

Site Visit: April 29, 2014

Tom Ehrgood, Eric Beal, and Mark Parent observed the location of the property along the west side of High Street, and the following:

- The existing gravel driveway extending from High Street along the north side of dwelling.
- The location of a large gravel area bordered by existing shrubs to the west facing Amherst Regional High School, relatively low and open area separating the parking area to the parking area on the property to the south.
- The location of an existing concrete slab from former garage.

Public Hearing: April 30, 2014

The applicant, Thomas Gu, was present. Prior to the Board's hearing the proposal, Mr. Bagg explained that, just prior to the hearing, he had received an opinion from Town Counsel that, where a property was conforming to lot coverage, it cannot be made non-conforming by a Special Permit. He noted that after a fire destroyed an existing garage on the property, the owner created a new gravel parking area. Based on the available information, the lot coverage prior to the change was conforming and that, after the expansion, the lot area was non-conforming.

There are two options: 1) revert back to the previous plan and lot coverage, which would limit the number of vehicles to three in a driveway, or 2) prepare a survey showing lot coverage, including parking area, that does not exceed 40%.

After discussion, the applicant requested a continuation to allow him to evaluate the information and how it affects the site and the proposal.

Mr. Parent MOVED to continue the hearing to June 5, 2014 at 6:30 p.m. Mr. Beal SECONDED the motion and the Board VOTED unanimously to continue the hearing.

Public Hearing: June 5, 2014

The Board convened on June 5, 2014. At the request of the applicant, the Board VOTED to continue the hearing to June 26, 2014 in order to give the applicant more time to finalize the survey.

Public Hearing: June 26, 2014

In connection with the Town's Rental Permit program, the applicants, Thomas Gu and Ping Geng, are seeking modification of ZBA FY1987-37 to formalize increasing the number of vehicles on the property from three to six.

The 1987 decision indicates the following related to parking:

There is a small garage on the north side of the house which will be torn down. Parking for the two apartments (three spaces required) will be in a new three car garage which will be built on the north side of the property.

The plans associated with the file depict a driveway extending alongside the existing dwelling, past the garage to be removed and to the proposed three car garage. The decision findings refer to parking as follows:

The removal of the old garage and the addition of the three car garage (both by right) will improve the property. The presence of the new garage will provide indoor parking. The proposal provides safe vehicular and pedestrian movement on or off the property [10.387].

The applicant's, Thomas Gu and Ping Geng, described the application as follows:

- They purchased the property in 2008. At that time there was a three-car garage at the rear of the property. A fire in April 2013 destroyed the garage; nothing remained except for the concrete pad.
- Last summer, the parking area was put into gravel. After filing the Rental Permit application, it was determined that the additional gravel area created by the addition of gravel caused the parking area to exceed the maximum allowed lot coverage. Specifically, the 1987 plan showed lot coverage of approximately 35%. After the paved areas were added, the lot coverage is approximately 48.5%, exceeding the maximum 40% limitation.

The Board confirmed that the plan shows a gravel area of approximately 120 sq. ft. that will be removed. Additionally, an existing playhouse/shed structure will also be removed. The plan provides for six parking spaces.

The Board found under Article 7, the following:

7.0000 - Two (2) parking spaces for each dwelling unit. The proposal provides for a total of six parking spaces, which exceeds the minimum of four. The Board finds that this is an appropriate number of spaces for the property.

7.0001 and 7.101 – Parking spaces for cars or similar vehicles shall be on a paved surface such as concrete, bituminous asphalt, masonry pavers, oil and stone, gravel, trap rock, or a similar material (see Section 7.101); Paving: For the purposes of this bylaw, a paved parking surface shall be considered to be one which has a prepared subgrade and compacted gravel base with a minimum total 12 inch depth, appropriate grading and drainage, and which is surfaced with a minimum 2 inch top coat of concrete, asphalt, masonry pavers, oil and stone, gravel, trap rock, or similar material, as approved or modified by the Town Engineer. To the extent feasible, permeable or porous paving shall be employed in new construction or site renovations or improvements. The applicant stated that he hired Adair's Construction to install the gravel. He explained that the existing grass and gravel areas were removed with a machine. A sub-base of gravel was put down and compacted, and then an additional three truck loads of gravel was put down, rolled, and compacted. During the construction, a drain pipe was installed in an existing swale for drainage.

Mr. Parent noted that the parking area was one of the better, more compacted gravel areas he had seen recently. The Board finds that the existing condition of the driveway and parking area is adequate to provide a stable area for vehicles and meets this provision.

7.104- Dimensions, Marking & Delineation - The area of all parking areas shall be included in the calculation of maximum lot coverage. The Board finds that the survey site plan provides for removal of an area of gravel and a structure to comply with the 40% lot coverage limitation. The Board noted that the coverage is at 40% and that delineation of the parking area and maintenance will be important to prevent expansion of the gravel area beyond that limit. After discussion, the Board and applicant agreed that the west and north edge of the parking area should be delineated with wood timbers.

Parking areas shall be clearly delineated and shall be provided with a permanent dust-free surface and adequate drainage. A condition of the permit requires that the parking area be delineated by wood timbers along the west and north sides, as demarked on the approved site plan. The Board found that there was no evidence of any issues related to drainage.

Each parking space shall be at least 9 feet x 18 feet in size, and all parking areas must have adequate access and maneuvering areas. The revised survey/site plan depicts a total of six parking spaces all which meet the 9 x 18 size requirement. Space #1 as shown on the plan is actually slightly larger. The proposal provides 21 feet of space for vehicles to adequately maneuver in and out of the parking spaces.

In all parking areas of five (5) or more parking spaces, individual spaces shall be painted, marked or otherwise delineated in a manner sufficient to visibly identify said spaces. The Board determined that the individual spaces should be demarked. After discussion, the Board agreed to allow the spaces to be delineated by painted lines on the wood timbers. The Board determined that the wood timbers would have to be sufficiently above grade to allow the painted lines to be seen.

7.105- *Lighting: adequate lighting shall be provided for all parking areas of 5 spaces or more if these areas are to be used at night. All exterior site lighting associated with parking areas shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property and sufficient to reduce a viewer's ability to see.* The Board finds that an existing motion sensor flood light on the building and the lighting associated with the parking lot of the Amherst Regional High School is adequate.

7.112- *Screening: parking areas with 5 or more spaces shall provide effective screening of the parking area from adjacent streets or properties. Such screening may be accomplished by: depressions in grade 3 feet or more; a hedge or wall; or any type of appropriate natural or artificial permanent division. Any required screening barrier shall not be less than 3 feet high. Screening shall not be located to obstruct driver visions so as to impair safety at intersections or driveway entrances or exits.* The Board finds that no additional screening is required for the six parking spaces based on the existence of existing shrubs separating the parking area from the school property because this parking area adjoins the parking area on the property to the south.

Specific Findings:

The Board found under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 & 10.381 - *The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town, as deemed appropriate by the Special Permit Granting Authority; The proposal is compatible with existing Uses and other Uses permitted by right in the same District.* The proposal provides for a total of six parking spaces. The parking area is suitably located behind the dwelling and adjacent to a similarly sized parking area to the south and adjacent to the parking area for the Amherst Regional School. The proposed six parking spaces serve an existing two family dwelling, which is compatible with other uses in the vicinity, which include a three family dwelling and a two family dwelling to the south, along with other single family dwellings.

10.383 & 10.387 - *The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians; The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements.* The proposal's six parking spaces provide convenient and safe areas for vehicular movements within the site.

10.386 - *The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw.* The proposal provides a total of six spaces where only four are required. The parking arrangement meets all other requirements of Article 7. The Board found that additional screening is not required given the proximity of the parking area adjacent to other parking areas. The Board finds that the existing gravel provides a suitable parking surface and complies with the design requirements of Section 7.101.

10.398- *The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan.* The proposal provides for a more accurate depiction of existing parking conditions on this property which is important to the Town relative to the Rental Permit program.

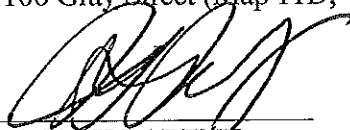
Zoning Board Decision

Mr. Parent MOVED to approve the application with conditions. Mr. Beal seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit, ZBA FY2014-00030, For a Special Permit to modify ZBA FY1987-00037 to formalize a change increasing the number of vehicles on the property from three to six, at 106 Gray Street (Map 11D, Parcel 110, R-G Zoning District) with conditions.


TOM EHRCOOD


ERIC BEAL


MARK PARENT

FILED THIS 1st day of October, 2014 at 4:11 p.m.
in the office of the Amherst Town Clerk Vandra J. Burger
TWENTY-DAY APPEAL period expires, October 21, 2014
NOTICE OF DECISION mailed this 3 day of October, 2014
to the attached list of addresses by Jeffrey R. Bays, for the Board.
CERTIFICATE OF NO APPEAL issued this _____ day of _____, 2014.
NOTICE OF PERMIT or Variance filed this _____ day of _____, 2014,
in the Hampshire County Registry of Deeds.

**BOARD OF APPEALS
AMHERST, MASSACHUSETTS
RECORD OF APPEALS AND DECISION RENDERED**

Petition of Ping Geng

For a Special Permit to modify ZBA FY1987-00037 to formalize a change increasing the number of vehicles on the property from three to six

On the premises of 106 Gray Street

At or on Map 11D, Parcel 110, R-G Zoning District

NOTICE of hearing as follows mailed (date) April 14, 2014
to attached list of addresses and published in the Daily Hampshire Gazette
dated April 15, 2014 and April 22, 2014

Hearing date and place April 30, 2014 and June 26, 2014 (Town Hall)

LEGAL NOTICE
The Amherst Zoning Board of Appeals will meet on Wednesday, April 30, 2014*, at 6:30 P.M. in the First Floor Meeting Room, Town Hall, to conduct the following business:
PUBLIC HEARING:
ZBA FY2014-00029 - Catharine & Morten Jensen-Hole - For a Special Permit to modify condition # 3 and # 4 of ZBA FY1994-44 to formalize a change increasing the number of vehicles on the property from four to six, at 58 North Prospect (Map 11C, Parcel 211, R-G Zoning District)
ZBA FY2014-00030 - Ping Geng - For a Special Permit to modify ZBA FY1987-00037 to formalize a change increasing the number of vehicles on the property from three to six, at 106 Gray Street (Map 11D, Parcel 110, R-G Zoning District)
ZBA FY2014-00031 - G. Jeffrey Bohne - For a Special Permit to modify condition # 2 of ZBA FY1983-58 to allow an existing supplemental apartment to be rented to other than a family member, at 77 Shays Street (Map 20A, Parcel 166, R-N Zoning District)
ZBA FY2014-00032 - Peter Jacoby - For a Special Permit to renew and/or reissue ZBA FY2014-00005 and ZBA FY2010-00008, or obtain a new Special Permit, to utilize the property as an owner-occupied Converted Dwelling, under Section 10.33 and 3.2241 of the Zoning Bylaw, at 98 Spring Street (Map 14B, Parcel 36, R-G Zoning District)
ERIC BEAL, CHAIR
AMHERST ZONING BOARD OF APPEALS
April 15, 22
3291467

SITTING BOARD and VOTE TAKEN:

To grant a Special Permit, ZBA FY2014-00030, to modify ZBA FY1987-00037 to approve increasing the number of vehicles on the property from three to six, with the conditions.

Tom Ehrgood – Yes Eric Beal – Yes Mark Parent – Yes

DECISION: APPROVED with conditions

THE COMMONWEALTH OF MASSACHUSETTS
AMHERST

City or Town
NOTICE OF SPECIAL PERMIT
Special Permit
(General Laws Chapter 40A)

Notice is hereby given that a Special Permit has been granted

To Ping Geng
Address 782 North East Street
City or Town Amherst, MA 01002

Identify Land Affected: 106 Gray Street
(Map 11D, Parcel 110, R-G Zoning District)

By the **Town of Amherst Zoning Board of Appeals** affecting the rights of the owner
with respect to the use of the premises on

782 North East Street Amherst
Street City or Town

The record of title standing in the name of
Thomas Gu
Name of Owner

Whose address is 782 North East Street Amherst MA 01002
Street City or Town State Zip Code

By a deed duly recorded in the
Hampshire County Registry of Deeds: Book 11427 Page 233
or

Hampshire Registry District of the Land Court, Certificate No. _____,
Book _____, Page _____

The decision of said Board is on file, with the papers, in ZBA FY2014-00030
In the office of the Town Clerk Sandra J. Burgess

Certified this _____ day of _____

Board of Appeals:

(Board of Appeals) Chairman

(Board of Appeals) Clerk

_____ at _____ o'clock and _____ minutes _____ m.
Received and entered with the Register of Deeds in the County of Hampshire
Book _____ Page _____

ATTEST _____
Register of Deeds
Notice to be recorded by Land Owner

Town of Amherst Abutter List

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>City/St/Zip</i>
11D-279	GRAY ST	LEWIS, VIRGINIA		129 GRAY ST	Amherst, MA 01002
11D-106	78 GRAY ST	JANSE, STEPHEN D		78 GRAY ST	AMHERST, MA 01002
11D-117	83 GRAY ST	REGISH, JOHN P		8 RIVER DR	HADLEY, MA 01035
11D-107	86 GRAY ST	DICARLO, BONNI & ROBERT		86 GRAY ST	AMHERST, MA 01002
11D-116	91 GRAY ST	HANKE, MICHAEL A & MARSHALL, ANN W,		91 GRAY ST	AMHERST, MA 01002
11D-108	94 GRAY ST	OCONEILL, KILLIAN R		610 STATION RD	Amherst, MA 01002
11D-115	97 GRAY ST	CHERNOFF, MICHAEL L & JAYMIE W		97 GRAY ST	AMHERST, MA 01002
11D-109	100 GRAY ST	HASHEMI, ABOLHASSAN & ZOHREH		560 MIDDLE ST	AMHERST, MA 01002
11D-114	105 GRAY ST	LEIGHT, PETER W & BRUZELIUS, MARGARET		105 GRAY ST	AMHERST, MA 01002
11D-110	106 GRAY ST	GU, THOMAS T		782 NORTH EAST ST	Amherst, MA 01002
11D-202	110 GRAY ST	GRYBKO, MICHAEL L & VALENTINE, RACHAEL L		110 GRAY ST	AMHERST, MA 01002
11D-203	126 GRAY ST	SHARICK, RAYMOND M & CAROL R		126 GRAY ST	Amherst, MA 01002
11D-113	129 GRAY ST	LEWIS, VIRGINIA		129 GRAY ST	AMHERST, MA 01002
11D-112	133 GRAY ST	CRAWFORD, PAMELA & MUSCAT, DONALD		133 GRAY ST	AMHERST, MA 01002

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>CityStZip</i>
11D-204	136 GRAY ST	KAYAK, LLC		143 GRAY ST	Amherst, MA 01002
11D-120	92-94 HIGH ST	RBAB REALTY LLC		37 COLES MEADOW RD	NORTHAMPTON, MA 01060
11D-121	100 HIGH ST	SCHREIBER, STEPHEN & THURBER, JANE C		100 HIGH ST	AMHERST, MA 01002
11D-122	108 HIGH ST	REMENSNYDER & STUART & LAURENCELL, NICOLE		108 HIGH ST	AMHERST, MA 01002
11D-123	116 HIGH ST	EDDINGS, BARBARA M LIFE ESTATE	C/O KEITH EDDINGS	8 SPRING ST	NEWBURYPORT, MA 01950
11D-215	21 MATTOON ST	AMHERST PELHAM REG SCHOOL DIST		21 MATTOON ST	AMHERST, MA 01002
11D-216	TAYLOR ST	AMHERST PELHAM REG SCHOOL DIST		CHESTNUT ST	AMHERST, MA 01002
11D-104	26 TAYLOR ST	BEAUDOIN, RICHARD A & DOUVILLE, LEA M		26 TAYLOR ST	Amherst, MA 01002
11D-105	36 TAYLOR ST	REYNOLDS, CHRISTOPHER & DEBORAH GREENE		324 NO LEVERETT RD	LEVERETT, MA 01054
11D-118	56 TAYLOR ST	LUKAS, HENRY G & LUKAS, PATRICIA E		56 TAYLOR ST	AMHERST, MA 01002